

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Liliana Manuel	Team: Squad #3	CCRB Case #: 201505561	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Monday, 04/14/2014 6:30 PM, Tuesday, 04/15/2014 12:00 AM, Wednesday, 04/16/2014 12:00 AM	Location of Incident: § 87(2)(b) over the phone	Precinct: 120	18 Mo. SOL 10/14/2015	EO SOL 10/14/2015	
Date/Time CV Reported Mon, 07/06/2015 12:41 PM	CV Reported At: CCRB	How CV Reported: In-person	Date/Time Received at CCRB Mon, 07/06/2015 12:41 PM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. SGT Bekim Kalicovic	00000	936834	120 PCT
2. An officer			120 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Richard Digangi	16130	944509	120 PCT
2. POM Michael Lenge	00110	924068	120 PCT
3. POM Geovani Sanchez	23649	946215	120 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Bekim Kalicovic	Discourtesy: On April 14, 2014, on § 87(2)(b) Staten Island, Sgt Bekim Kalicovic spoke rudely to § 87(2)(b)	§ 87(2)(b)
B.SGT Bekim Kalicovic	Abuse: On April 14, 2014, on § 87(2)(b) Staten Island, Sgt Bekim Kalicovic threatened to arrest § 87(2)(b)	§ 87(2)(b)
C.SGT Bekim Kalicovic	Abuse: On April 14, 2014, on § 87(2)(b) Staten Island, Sgt Bekim Kalicovic threatened § 87(2)(b) with the use of force.	§ 87(2)(b)
D.SGT Bekim Kalicovic	Discourtesy: On April 14, 2014, over the phone, Sgt Bekim Kalicovic spoke rudely to § 87(2)(b)	§ 87(2)(b)
E.SGT Bekim Kalicovic	Discourtesy: On April 14, 2014, over the phone, Sgt Bekim Kalicovic acted rudely toward § 87(2)(b)	§ 87(2)(b)
F. An officer	Discourtesy: On April 15, 2014, over the phone, an officer acted rudely toward § 87(2)(b) over the phone on April 15, 2014.	§ 87(2)(b)

Case Summary

On April 14, 2014, at approximately 6:30 p.m., § 87(2)(b) called 911 to have officers escort her to her father's home, which she claimed to have been unlawfully evicted from, to retrieve her belongings. PO Richard Digangi, PO Geovani Sanchez, PO Michael Lenge, and Sgt Bekim Kalicovic of the 120th Precinct responded to § 87(2)(b) in Staten Island. Sgt Kalicovic allegedly stated when he arrived that he wanted to meet the "little bitch" who filed numerous complaints against officers of the 120th Precinct (**Allegation A**). He also stated, "I run the motherfucking street. I am the motherfucking man. And I am the motherfucking judge... I don't want to hear this bullshit anymore... I don't give a fuck if you call IAB." Sgt Kalicovic informed § 87(2)(b) that if she did not resolve the issue with the supposed eviction he would arrest her, and that if she did not leave the premises he would tase her (**Allegations B and C**). After the officers left, § 87(2)(b) called the 120th Precinct and spoke with Sgt Kalicovic, who stated, "Shut the fuck up," or, "Just leave me the fuck alone," (**Allegation D**) and disengaged the call (**Allegation E**). The following day, § 87(2)(b) called the 120th Precinct again at a time she could not recall. When § 87(2)(b) identified herself over the phone, an unknown officer disengaged the call (**Allegation F**). There is no video footage pertaining to this case.

Mediation, Civil and Criminal Histories

- Mediation was presented to § 87(2)(b) during her interview on July 6, 2015. § 87(2)(b) rejected mediation § 87(2)(b)
- As of August 17, 2015, § 87(2)(b) had not filed a Notice of Claim with the City of New York with regard to this incident (Board review 1).
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the third CCRB complaint filed by § 87(2)(b) § 87(2)(b)
§ 87(2)(b)
§ 87(2)(b)
- Sgt Kalicovic has been a member of the NYPD for ten years. Since the incident, Sgt Kalicovic was promoted to lieutenant and now works in the 13th Precinct. He has had twenty-one previous CCRB allegations involving eight cases with six substantiated allegations. (Board review 4).
 - In case 2015008514, Sgt Kalicovic was alleged to have called a civilian a "piece of shit." This allegation was closed as complainant uncooperative.
 - In case 201105738, Sgt. Kalicovic was alleged to have said, "I can do whatever the fuck I want." This allegation was closed as complainant uncooperative.
 - In case 201304449, Sgt. Kalicovic allegedly said, "Shut up bitch... Get the fuck out of here." This complaint was withdrawn.
 - In case 201402580, Sgt. Kalicovic allegedly said, "Shut the fuck up... Get the fuck out of the way," as well as calling someone a "motherfucker." These two allegations of discourtesy were substantiated. An allegation that he called someone a "nigger" was unsubstantiated. This incident occurred on March 15, 2014, 30 days before this incident date.

- In case 201412508, Sgt. Kalicovic allegedly said, “I should shoot your black ass...” This allegation was unsubstantiated.

Potential Issues

§ 87(2)(b) filed this complaint on July 6, 2015; nearly fifteen months after the incident. The officers involved were therefore not interviewed until sixteen to seventeen months after the incident. Furthermore, § 87(2)(b) claimed that the incident involving Sgt Kalicovic occurred on April 16, 2014. Upon reviewing the officers’ memo books, it was determined that the correct incident date was April 14, 2014. She claimed that she made an additional call to the precinct the following day. It was therefore determined that Allegation F occurred on April 15, 2014.

Findings and Recommendations

Explanation of Subject Officers

§ 87(2)(b) alleged that on April 15, 2014, she called the 120th Precinct. An officer with a Hispanic-sounding last name answered the phone. When § 87(2)(b) identified herself, the officer disengaged the call. § 87(2)(b) could not recall what time she called the precinct and could not recall the name of the officer who answered the phone. Seeing as the only information stated during the phone call was § 87(2)(b)’s name, the call would not be documented in the command log, SPRINT, or the officer’s memo book. The roll call for April 15, 2014, showed that there were three desk officers, three assistant desk officers, and three telephone switchboard operators working that day, all of whom could have answered the phone (Board review 9). Furthermore, there were seven PAAs and five SPAs working that day, many of whom also could have answered the phone. § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation A - On April 14, 2014, on § 87(2)(b) in Staten Island, Sgt Bekim Kalicovic spoke rudely to § 87(2)(b)

§ 87(2)(b) was interviewed at the CCRB on July 6, 2015. Prior to April 14, 2014, § 87(2)(b) s step-mother illegally evicted her from § 87(2)(b) and changed the locks to the house, and over several days she called 911 to obtain assistance. On April 14, 2014, § 87(2)(b) called 911 to have officers escort her to § 87(2)(b) and help her retrieve her belongings from the house. § 87(2)(b) alleged that when Sgt Kalicovic responded, he stated that he wanted to meet the “little bitch” who had filed numerous complaints against officers of the 120th Precinct. She also alleged that he told her, “I run the motherfucking street. I am the motherfucking man. And I am the motherfucking judge (or lawyer).” Sgt Kalicovic initially told § 87(2)(b) she had five minutes to retrieve her belongings from the house, but then stated that she could not go to the house at all. He told her, “I don’t want to hear this bullshit anymore... I don’t give a fuck if you call IAB. I have tons of complaints, but I run the motherfucking streets...”

During her interview, § 87(2)(b) provided notes she had made the previous year documenting all of her 911 calls regarding her attempts to enter her former residence (Board review 5). She did not specify the exact date the notes were written, although due to the specificity of the times noted for the calls it is likely they were not made long after the incidents. Although her notes state that the incident where she attributed the above discourteous statements to Sgt Kalicovic occurred on April 16, 2014, they also show that she made a 911 call on April 14, 2014, at 6:26 p.m., which the investigation determined to be the proper time of the incident. The

notes also note the presence of PO Digangi for that incident, who was confirmed by the investigation to be present at the location.

Sgt Kalicovic was interviewed on August 18, 2015. He recalled the incident and provided a detailed narrative (Board review 6). Sgt Kalicovic denied referring to § 87(2)(b) as a “little bitch” and stated that he had no knowledge of her filing any complaints against officers. He denied making all of the alleged discourteous statements,

PO Digangi was interviewed on August 17, 2015, and his partner, PO Sanchez, was interviewed on September 22, 2015 (Board review 7). PO Lenge, who was Sgt Kalicovic’s partner, was interviewed on September 14, 2015 (Board review 8). PO Digangi and PO Lenge acknowledged that they responded to the incident, however, neither officer recalled the incident. PO Sanchez vaguely recalled the incident and believed that Sgt Kalicovic spoke with § 87(2)(b) but could not recall any details of their conversation. All three officers denied hearing Sgt Kalicovic make any of the discourteous statements.

Patrol Guide Procedure [Board Review 10] mandates that officers are to be courteous and respectful to civilians.

§ 87(2)(b) s notes and her testimony to the CCRB alleged that Sgt. Kalicovic made several discourteous statements using the words “bitch,” “fuck,” and “motherfucking,” and that he “runs the streets.” While Sgt. Kalicovic and the other officers denied that he made any discourteous statements to § 87(2)(b), § 87(2)(b) testified that Sgt Kalicovic told her, “I don’t give a fuck if you call IAB. I have tons of complaints.” Sgt Kalicovic does in fact have numerous CCRB complaints against him, including substantiated allegations for discourtesies and offensive language. § 87(2)(b) could not have had any knowledge of Sgt. Kalicovic’s complaint history, and she could only have learned about his “tons of complaints” from Sgt. Kalicovic himself. Additionally, the two substantiated allegations occurred 30 days prior to this incident, and his allegations of discourtesies in previous cases are similar to this case, using words such as “bitch,” “fuck,” “motherfucker,” and stating that he can “do whatever the fuck [he] want[s].” § 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation B - On April 14, 2014, on § 87(2)(b) Staten Island, Sgt Bekim Kalicovic threatened to arrest § 87(2)(b)

Allegation C - On April 14, 2014, on § 87(2)(b) Staten Island, Sgt Bekim Kalicovic threatened § 87(2)(b) with the use of force.

Allegation D - On April 14, 2014, over the phone, Sgt Bekim Kalicovic spoke rudely to

§ 87(2)(b)

Allegation E - On April 14, 2014, over the phone, Sgt Bekim Kalicovic acted rudely toward

§ 87(2)(b)

§ 87(2)(b) alleged that when she explained that an officer had threatened to arrest her a few days prior, Sgt Kalicovic responded, “Well I’m going to arrest you too if you don’t get this resolved.” She also alleged, “If you don’t get out of here I’m going to tase you.” § 87(2)(b) left and called the 120th precinct about ten minutes later. The officer who answered the phone identified himself as Sgt Kalicovic. § 87(2)(b) identified herself as well, and stated that she wanted a police report. Sgt Kalicovic responded, “Shut the fuck up,” or, “Just leave me the fuck alone,” and disengaged the call. § 87(2)(b) did not document the threat of arrest, threat of force,

or subsequent call to the precinct that resulted in allegations of discourteous word and action in her notes of the incident.

Sgt Kalicovic denied threatening to arrest or use force against § 87(2)(b). He claimed that there was nothing she could have been arrested for. Sgt Kalicovic's memo book states that the incident ended at 6:53 p.m., and that he then responded to another incident on Mill Street and did not return to the stationhouse until 7:35 p.m. He denied speaking to § 87(2)(b) on the phone.

PO Digangi, PO Lenge and PO Sanchez denied hearing Sgt Kalicovic make any of the alleged threats and denied witnessing Sgt Kalicovic speak with § 87(2)(b) over the phone at the stationhouse. PO Digangi and PO Lenge confirmed that they responded to other jobs after dealing with § 87(2)(b). PO Sanchez was not sure where he went after the incident.

§ 87(2)(g)

§ 87(2)(g) Sgt Kalicovic denied making these statements and his officers denied hearing or witnessing them. § 87(2)(g)

§ 87(2)(b). Furthermore, Sgt Kalicovic denied being in the stationhouse at the time that § 87(2)(b) stated she made the call. § 87(2)(g)

Allegation F - On April 15, 2014, over the phone, an officer acted rudely toward § 87(2)(b) over the phone on April 15, 2014.

§ 87(2)(g)

Squad: ____

Investigator: _____
Signature Print Date

Pod Leader: _____
Title/Signature Print Date

Attorney: _____
Title/Signature Print Date